

Introduced by Senator Margett

February 17, 2005

An act to amend Section 35795 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Margett. Vehicles: size, weight, and load: local authorities: issuance of variance permits.

Existing law imposes limits on the size, weight, and load of vehicles that may be operated on the highway and authorizes the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to issue permits to operate vehicles exceeding the specified size, weight, and load limits.

Existing law authorizes a local authority to charge a fee for the issuance of the specified permits, if the fee is established by ordinance or resolution after notice and hearing.

Existing law requires that special services necessitated by unusually large or heavy loads requiring engineering investigations, escorts, tree trimming, or other services be billed separately for each permit.

This bill would exclude from the list of special services that are required to be billed separately any services necessary to provide the notification required under these provisions and services that are within the scope of the local authority's ordinary duty to provide. *This bill would also require a local authority, for the purposes of determining whether special services are necessitated by an unusually large or heavy load, to be governed by specific regulatory criteria adopted by the department for highways under its jurisdiction.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35795 of the Vehicle Code is amended
2 to read:
3 35795. (a) (1) The Department of Transportation may
4 charge a fee for the issuance of permits pursuant to this article.
5 (2) The fee established by the Department of Transportation
6 pursuant to this section shall be established by a regulation
7 adopted pursuant to Chapter 4.5 (commencing with Section
8 11371) of Part 1 of Division 3 of Title 2 of the Government
9 Code, and shall be calculated to produce a total estimated
10 revenue that is not more than the estimated total cost to that
11 department for administering this article. ~~Special~~
12 (3) *Special* services necessitated by unusually large or heavy
13 loads requiring engineering investigations, or other services, may
14 be billed separately for each permit.
15 ~~(3)~~
16 (4) The funds collected by the Department of Transportation
17 pursuant to this ~~section~~ *subdivision* shall be deposited in the State
18 Highway Account in the State Transportation Fund.
19 (b) (1) Local authorities may charge a fee for the issuance of
20 permits pursuant to this article. However, the fee established by a
21 local authority pursuant to this section shall be established by
22 ordinance or resolution adopted after notice and hearing. The fee
23 shall be calculated to produce a total estimated revenue that is not
24 more than the estimated total cost incurred by the local authority
25 in administering its authority under this article and shall not
26 exceed the fee developed by the Department of Transportation
27 pursuant to subdivision (a). The fee for the issuance of permits
28 shall be developed in consultation with representatives of local
29 government and the commercial trucking industry. Notice of the
30 hearing shall be by publication as provided in Section 6064 of the
31 Government Code. The hearing shall be held before the
32 legislative body of the local authority. All objections shall be
33 considered and interested parties shall be afforded an adequate
34 opportunity to be heard in respect to their objections. ~~Special~~

1 (2) *Special* services necessitated by unusually large or heavy
2 loads requiring engineering investigations, escorts, tree trimming,
3 or other services, excluding services necessary to provide the
4 notification required under this section and services that are
5 within the scope of the local authority's ordinary duty to provide,
6 shall be billed separately for each permit.

7 (3) *For purposes of determining whether, under paragraph*
8 *(2), special services are necessitated by an unusually large or*
9 *heavy load, a local authority shall be governed by the criteria set*
10 *forth in subdivision (b) of Section 1411.3 of Title 13 of the*
11 *California Code of Regulations.*

12 (c) Nothing in this section shall limit or restrict the application
13 of Section 35782.